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## UTAH DIVISION OF WATER QUALITY

<b>IN THE MATTER OF North Davis Sewer District 4252 West 2200 South Syracuse, Utah 84075  UPDES PERMIT NO. UT0021741</b>	<b>PERMIT VARIANCE FOR TECHNOLOGY-BASED PHOSPHORUS EFFLUENT LIMITS</b>
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### **BACKGROUND**

1. North Davis Sewer District (“NDSD”) is a Limited Purpose Local Government Entity – Local District under Utah Code Title 17B and the operator of a wastewater treatment facility located in Syracuse, Utah (the “Facility”).
2. NDSD’s operations at the Facility are undertaken subject to UPDES Discharge Permit No. UT0021741 (“Permit”).
  - a. Under the UDPEs Permit NDSD is currently permitted to discharge to Outfall No. 001 which discharges to Farmington Bay.
3. The Facility is required to achieve technology-based phosphorus effluent limits (“TBPEL”) on or before January 1, 2020, unless a variance is granted. *See* UAC R317-1-3.3.
4. NDSD submitted a variance request, dated December 21, 2017 to the Utah Division of Water Quality (“DWQ”), seeking an innovative alternative approach for compliance with the TBPEL (the “Variance Request.”). The Variance Request is based on NDSD’s assertion that removing Farmington Bay as a downstream use by relocating the discharge point to Gilbert Bay and/or Gilbert Bay transitional wetlands (GSL Beneficial use classes 5A or 5E) will result in a net water quality benefit to the Great Salt Lake.
5. Utah law provides that DWQ may grant a variance for compliance with the TBPEL in the event that the operator can demonstrate that commensurate phosphorus reduction can be achieved in receiving waters using innovative alternative approaches such as water quality trading and/or seasonal offsets. *See* UAC R317-1-3.3.C.1.d.

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6. The Director of DWQ has determined that NDSD has met its burden to show diligence in pursuit of a potential innovative alternative approach within the meaning of the UAC R317-1-3.3 and that a variance is appropriate, subject to the limitations and conditions provided herein.

### **AUTHORITY**

7. The Director of DWQ has authority to grant variance for using innovative alternative approaches for the TBPEL pursuant to UAC R317-1-3.3 and the corresponding provisions of the Utah Water Quality Act.

8. The State of Utah administers the Utah Pollution Discharge Elimination System (UPDES) permit program under the Utah Water Quality Act.

### **FINDINGS**

9. The Variance Request included the following submissions, among others:
- a. Proposal and Rationale for North Davis Sewer District TBPEL Variances, ch2m (December, 2017).
  - b. North Davis Sewer District New Outfall Location Proposal. (March 7, 2018)
  - c. Field Sampling Plan – New Outfall to Great Salt Lake. Jacobs (March 2018)
  - d. Field Sampling Plan – New Outfall to Great Salt Lake. Jacobs (August 2018)

10. Based on the foregoing submissions, the Director has determined that NDSD has established the basis for a potential net water quality gain by relocating the NDSD discharge from the Farmington Bay side of Antelope Island causeway to the Gilbert Bay side, within the meaning of UAC R317-1-3.3.C.1.d. However, as the Gilbert Bay side Outfall(s) does(do) not yet exist, the NDSD needs to study the new Outfall(s) prior to committing to a detailed plan for construction of the new outfall(s). Based on these studies this variance may be reopened and evaluated for extension.

### **VARIANCE**

11. The Director hereby grants NDSD a variance as to the compliance date to achieve TBPEL, subject to the following conditions:

- a. This variance does not extend beyond January 1, 2022, unless an extension is requested in accordance with Part 11.f. NDSD must comply with all TBPEL requirements by that date.

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- b. Pursuant to UAC R317-1-3.3.C.2, this variance is subject to re-evaluation in the event that there is any substantive change in the facility design or construction plans provided in the Variance Request. NDSD must provide timely notice to DWQ of any such substantive changes.
  - c. NDSD shall follow the Field Sampling Plan – New Outfall(s) to Great Salt Lake dated August 2018 and submitted to DWQ on October 5, 2018. Any changes to this sampling plan will require DWQ approval.
  - d. By no later than March 1, 2019, NDSD shall submit to DWQ a draft summary report of the field sampling plan results. The summary report will be finalized to incorporate DWQ review comments.
  - e. By no later than May 1, 2020, NDSD shall submit to DWQ:
    - i. A Phragmites Control Plan that defines how NDSD will limit growth of Phragmites in areas influenced by the new outfall(s).
    - ii. A formal letter committing to the selected project including project schedule, and budget analysis (including project costs and funding information).
    - iii. A District Board resolution supporting the pursuit of the new outfall(s). The resolution shall include the approximate budget for the new outfall(s).
  - f. By no later than July 1, 2020, NDSD shall submit to DWQ a request for extension of this variance. The variance extension request shall be a formal letter committing to construct a new outfall(s) to Gilbert Bay and related transitional wetlands including project schedule, budget analysis (including project costs and funding information), and a demonstration that the new outfall(s) will not degrade designated uses in Gilbert Bay.
  - g. If based on the field sampling plan results, NDSD is NOT pursuing construction of a new outfall to Gilbert Bay and/or related transitional wetlands, then this variance will terminate in accordance with Part 11.a.
  - h. Beginning no later than March 1, 2020, and for every year thereafter while this variance is in effect, NDSD agrees to submit to DWQ an annual report relating to its phosphorus discharges (the “Annual Report”). The scope of the Annual Report shall include descriptions of all projects, studies, and work necessary, in

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reasonable detail, to achieve compliance with the TBPEL rule. The Annual Report will provide a summary of progress and milestones achieved in all construction, study, funding, planning, design projects, and the Field Sampling Plan data, results, and analysis during the previous reporting period, projected progress and milestones scheduled to be completed during the following reporting period, and if the project(s) are on schedule. The Annual Report will also provide information on effluent phosphorus concentrations to determine NDSD's compliance with Part 11.k. of this variance, noted below.

- i. If it is found that NDSD has failed to comply with the requirements of Part 11.c., 11.d., or 11.e. of this variance toward the construction of a new outfall to Gilbert Bay and/or related transitional wetlands, the Division of Water Quality may terminate this variance.
- i. If this variance is terminated by the Division of Water Quality, NDSD will be expected to comply with the requirements UAC R317-1-3.3 within 18 months of written notice of termination or by January 1, 2022, whichever is sooner.
- j. No total phosphorus effluent limitation will be added to the Permit before January 1, 2020.
- k. Effective January 1, 2020, DWQ will impose the following interim effluent limitation under the Permit: total phosphorus annual average effluent limitation of 5.2 mg/L to Outfall No. 001.
- l. Effective January 1, 2022, DWQ will impose the following effluent limitation under the Permit: total phosphorus annual average effluent limitation of 1.0 mg/L to Outfall No. 001.

Date: \_\_\_\_\_

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Erica Brown Gaddis, PhD  
Director  
Utah Division of Water Quality

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